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*Attorneys for Defendants* CITY OF LOS ANGELES, TODD CATALDI, DAN ROMAN,  
JENNIFER KAYLOR, VICTOR GUTIERREZ, and JOHN WOLFE

**UNITED STATES DISTRICT COURT**  
**CENTRAL DISTRICT OF CALIFORNIA**

GHELI CARPACCIO, an individual,  
Plaintiff,

vs.

SERGEANT TODD CATALDI, et al.  
Defendants.

CASE NO.: CV12-06686 RZ

Complaint filed: August 2, 2012

*Hon. Judge Ralph Zarefsky, Courtroom 540 (Roybal)*

**STIPULATED [PROPOSED]  
JUDGMENT**

On January 21, 2014, the foregoing matter was called for trial in Courtroom 540 of the United States District Court. The parties answered ready for trial. Plaintiff dismissed defendants Brian Cummings and Charlie Beck with prejudice. On January 21, 2014 a panel of jurors was called and sworn.

Evidence was presented on January 21, 2014, and January 22, 2014. The Plaintiff rested on January 22, 2014. The Defendants orally submitted a Motion for Judgment as a Matter of Law and/or Partial Judgment as a Matter of Law as to Certain Defendants. The Court heard from the parties and ruled as follows:

As to the following claims made by Plaintiff, the Court finds in favor of defendants:

1       Claim 1:     Defendants Dan Roman, Jennifer Kaylor, Victor Gutierrez, and  
2 John Wolfe violated plaintiff's Fourth Amendment rights to be free from unreasonable  
3 searches and seizures by using unreasonable force against him.

4       Claim 2:     Defendants Victor Gutierrez, John Wolfe and Todd Cataldi  
5 violated plaintiff's Fourth Amendment rights to be free from unreasonable searches  
6 and seizures by detaining Plaintiff without reasonable suspicion and thereafter arrested  
7 plaintiff without probable cause.

8       Claim 3:     Defendant Victor Gutierrez, John Wolfe and Todd Cataldi  
9 conspired to violate plaintiff's civil rights in violation of 42 USC §1985(3).

10       Claim 4:    Defendant Todd Cataldi directed his subordinates to violate  
11 plaintiff's Fourth Amendment rights to be free from unreasonable searches and  
12 seizures by detaining him without reasonable suspicion.

13       Claim 5:     Defendants Victor Gutierrez and John Wolfe falsely arrested  
14 plaintiff in violation of California State Law.

15       Claim 6:     Defendants Dan Roman, Jennifer Kaylor, Victor Gutierrez, and  
16 John Wolfe unlawfully battered plaintiff in violation of California State law.

17       Claim 7:     All police officer defendants conspired to commit a false arrest and  
18 prolonged detention of plaintiff in violation of California State law.

19       Claim 8:     Defendants Victor Gutierrez, and John Wolfe intentionally  
20 inflicted emotional distress upon plaintiff in violation of California State law.

21       Claim 9:     Defendants Victor Gutierrez, and John Wolfe were negligent in  
22 their conduct toward plaintiff in violation of California State law.

23       The Court found that Plaintiff has been fully heard on all issues during a jury  
24 trial, and the Court found that a reasonable jury would not have a legally sufficient  
25 evidentiary basis to find for the Plaintiff on each and every one of these claims, and as  
26 to each defendant. Therefore, the Court granted Defendants' Motion for Judgment as a  
27 Matter of Law against Plaintiff on each and every one of his claims, per F.R.Civ.P.  
28 Rule 50(a)(1).

1 Therefore, it is ordered and decreed that judgment is entered in favor of CITY  
2 OF LOS ANGELES, TODD CATALDI, DAN ROMAN, JENNIFER KAYLOR,  
3 VICTOR GUTIERREZ, and JOHN WOLFE, and against Plaintiff Gheli Carpaccio.

4 Plaintiff shall take nothing by his complaint. Plaintiff agrees to waive all  
5 appellate rights in exchange for a waiver of defense costs and fees. Each side to bear  
6 their own costs.

7  
8 IT IS SO ORDERED.

9  
10 DATED: January 29, 2014

  
\_\_\_\_\_  
Honorable Ralph Zarefsky  
United States Magistrate Judge

11  
12  
13 Approved as to form and content:

14 DATED: January 28, 2014

LAW OFFICES OF MICHAEL MERSLAK

15  
16 By: \_\_\_\_\_  
17 Michael Merslak  
Attorney for Plaintiff Gheli Carpaccio

18 DATED: January 28, 2014

OFFICE OF THE CITY ATTORNEY

19  
20 By: \_\_\_\_\_  
21 Elizabeth Greenwood  
22 Attorney for Defendant Todd Cataldi, et al.,  
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